

# Downtown Overlay and Related Issue Summary

April 24, 2003

## Why an Overlay?

Over the years Downtown has evolved into a complicated pattern of zoning Districts. The base zoning, most of it carried over from before Scottsdale was founded, is not designed for a downtown setting. The base zoning categories includes the C-2, C-3, S-R, and R-5.

Since the early 1980's the city has offered Downtown zoning as an alternative to the base zoning. Downtown zoning solves many of the limitations of the base zoning, but the time involved in achieving a rezoning has prevented many landowners from changing their zoning.

The Downtown Overlay will address the development concerns with the base zoning, without forcing individuals to rezone their properties. The overlay will allow, and even provide incentives for many of the uses that the community wants to promote in Downtown Scottsdale.

The Overlay addresses a number of other issues, each of which is listed out in this summary.

## Bars and Nightclubs

**1. Concern:** Patrons of bars and nightclubs are leaving trash in parking areas and on private property

***Proposed Solution:*** Require an annually renewed Business License for bars and nightclubs

**2. Concern:** There is currently no opportunity for the City Council to control locations of drinking establishments (bars and nightclubs):

- Over concentrations of bars in a specific area can impact other businesses
- The City Council recommends to the State on Liquor Licenses, does not approve

***Proposed Solution:*** Require Use Permits for new drinking establishments

**3. Concern:** The city wants to encourage fine dining, and have a clear distinction between drinking and eating establishments

***Proposed Solution:*** Develop a definition for restaurants that will clearly separate them from bars

- **Eating Establishment:** is a business where the primary business is the preparation and service of food.

- **Drinking Establishment:** is a business that: offers alcoholic beverages for sale, is not an accessory use to a hotel and meets any of the following criteria:
  - The bar area, which for this definition includes the floor areas under indoor and outdoor bars and the area behind the bars used for the storage, preparation and serving of food or drinks, is in excess of 15% of the gross floor area
  - The kitchen, which for this definition includes only those areas used for the preparation and cooking of food and dishwashing and not refrigerators or areas for the storage of food or beverages, is less than 15 % of the gross floor area
  - Age verification is requested for admittance
  - A cover charge is required for admittance, except for special events as permitted through the city's special event permit process.
  - Less than 40 percent of gross revenues are derived from the sale of prepared food
  - The full kitchen closes before 9 pm.
  - A dance floor for patron dancing, which is either permanently maintained or temporarily created by the removal of furnishings, exceeds 100 square feet in floor area

## Parking

**1. Concern:** It is difficult to calculate parking and to determine parking credits for new projects or expansions of existing uses.

### ***Proposed Solutions:***

- Allow all zoning categories in Downtown to count on-street parking toward their requirements
- Simplify the methods of calculating parking demand and create a blended parking rate for office, retail, personal services and restaurants that serve only breakfast and lunch

Land Use	C-2/C-3 and Downtown Ordinance	Downtown Overlay
Office and Personal Services	1:300 gross floor area	1:350 gross floor area
Retail	1:250 gross floor area	1:350 gross floor area
Restaurants that	1:80 indoor public floor area	1:350 gross floor area

serve only Breakfast and Lunch		
Restaurants	1:80 indoor public floor area	1:150 gross floor area
Restaurant Patios (Outdoor Public Floor Area)	1: 250 gross outdoor public floor area excluding the first 250 feet	1: 350 gross outdoor floor area excluding the first 350 feet, and excluding the first 500 feet if the space is oriented toward a publicly owned walkway
Bars	1:35 indoor public floor area	1:100 gross floor area
Bar Patios (Outdoor Public Floor Area)	1: 200 gross outdoor public floor area excluding the first 200 feet	1:200 feet gross outdoor floor area excluding the first 200 feet
Establishments with Live Entertainment	1:35 indoor public floor area baseline, added evening use spaces based on maximum occupancy of the establishment	1:75 gross floor area

**2. Concern:** Parking requirements prevent owners of smaller properties from expanding their businesses

***Proposed Solution:*** One time waiver of parking requirements for expansions of 2,000 sq ft for retail, office and personal service uses

- Applies only to properties of 10,000 net square feet or less
- Cannot use land that was used for parking in the past two years
- Can be used only for first and second floors

**3. Concern:** Property owners need to go through a lengthy rezoning process in order to use in-lieu parking

***Proposed Solution:*** Allow in-lieu parking to be used anywhere in the Overlay

## Land Use

**1. Concern:** The proliferation of massage businesses has raised concerns about the training and credentials of massage practitioners

***Proposed Solution:*** Enhance the city's licensing regulations for massage establishments

**2. Concern:** The growth of tattoo and other related businesses, such as branding, scarification and piercing, has lead to concerns about impacts on adjacent businesses

***Proposed Solution:*** Require a Use Permit for any new tattoo or related business

**3. Concern:** The creation of new residences is hampered by the existing commercial zoning

***Proposed Solution:*** Allow residential uses by right anywhere in Downtown

## Development Standards

**1. Concern:** The existing development standards for the base zoning Districts, such as C-2, C-3, S-R, and R-5 were not designed for a downtown setting.

***Proposed Solution:*** Amend development criteria to allow the goals of the Downtown Overlay to be implemented

### SITE DEVELOPMENT STANDARDS:

These standards do not apply to properties that have the (D) Downtown District zoning

I. Development Requirements			
	1.	Floor Area Ratio (FAR)	0.8
		a.	Residential FAR bonus maximum
	2.	Total maximum FAR (including residential)	1.3
II. Site Requirements			
	2.	Minimum Front Building Setback	16 feet from planned curb
III. Building Design Requirements			
		Properties with (S-R) Service Residential Zoning	All other Zoning Districts
1.	Height Maximum (all uses)	26 feet (not more than 2 levels)	Refer to the building heights listed in the underlying zoning district
IV Density			
	1.	Maximum Residential Density	23 Dwelling Units per Gross Acre

**2. Concern:** Implementation of the city's Downtown architectural guidelines has not always been consistent

***Proposed Solution:*** Require all projects within the Downtown Overlay to follow the Downtown Plan Urban Design and Architectural Guidelines